

3 Constraints

The provision of adequate and affordable housing opportunities is an important goal of the City. However, various factors can potentially encourage or constrain the development, maintenance, and improvement of housing in Belmont. These potential constraints include market mechanisms and other non-governmental constraints as well as government policies, regulations, and programs. This section addresses potential constraints in Belmont, while Chapter 5 sets forth programs to mitigate or remove constraints to providing and maintaining housing in Belmont.

3.1 NON-GOVERNMENTAL CONSTRAINTS

The housing market, development costs, and market financing contribute to the cost of housing reinvestment, and can potentially hinder the production of new affordable housing. This section analyzes these types of non-governmental constraints.

HOUSING MARKET

Belmont experienced a very robust housing market from 2001 to 2006, as did the rest of the Bay Area and California. There were 402 units constructed between 2001 and 2006, including 200 student housing units, 70 assisted-living senior units, and a 24-unit building for very low-income individuals with mental illness. There was an average of 57 units constructed per year during the previous planning period. The amount of housing construction exceeded the regional housing need established for Belmont by the State and ABAG.

Belmont, like other communities in San Mateo County, the Bay Area, California, and beyond, has experienced a drop-off in new housing construction in recent months due to the economic downturn. Few units have been constructed or approved in the past two years. Since July 2007, 32 units have been approved, including three multi-unit or mixed-use projects, one secondary dwelling unit, and 16 single-family units. This represents an average of 16 units per year during the last two years. The lack of housing construction can largely be attributed to the poor housing market. It is likely that the housing market will have rebounded by the end of this planning period; however, market conditions may lead to very limited housing production in Belmont over the next several years.

DEVELOPMENT COSTS

Development costs include both hard construction costs, such as labor and materials, and soft costs, such as architectural and engineering services, development fees, and insurance. Development costs can vary widely according to the type of development – multi-family or single family, construction type, number and type of amenities, and whether the land is vacant or an existing use must be removed or incorporated in the project. Another key component is the price of raw land and any necessary improvements. The diminishing supply of residential land combined with a high demand for residential development keeps land cost high in cities across the Bay Area. Development costs can also change dramatically over time. For instance, in late 2008/early 2009, construction costs dropped roughly ten percent. While the land and development costs in Belmont are high, they are comparable with those in other San Mateo County jurisdictions.

Multi-Family Project Costs

For multi-family homes in San Mateo County, hard costs account for 60 to 65 percent of the building cost, soft costs average around 15 to 20 percent, and the remaining 15 to 20 percent is land costs. Based on a typical multi-family construction in San Mateo County, land costs add \$40,000 to \$60,000 per unit, but can run as high as \$75,000 per unit in some locations. Along the El Camino corridor in San Mateo County, land costs range from roughly \$2 million to \$5 million an acre, with the permitted density driving much of the difference.¹

According to the Association of Bay Area Governments (ABAG), wood frame construction at 20 to 30 units per acre is generally the most cost efficient method of residential development. However, local circumstances of land costs and market demand will impact the economic feasibility of construction types.

Another factor affecting development costs is the cost of the use of prevailing wage labor. Construction costs for a typical apartment complex (45 units per acre, structured parking, 800 square foot units) are approximately \$200,000 a unit built with prevailing wage labor or \$175,000 per unit built with non-prevailing wage labor.

Single Family Unit Costs

For single-family homes, hard costs are approximately 40 percent of the total cost, while soft costs are 20 percent, and land costs are 40 percent.² Single-family homes cost roughly \$125 per square foot for a two-story house and \$160 per square foot for a three-story home. Based on recent land sales, land prices in Belmont range from \$16 to \$52 per square foot for vacant R-1B-zoned lots and from \$6 to \$53 per square foot for hillside and view lots. A vacant one-tenth of an acre, R-2-zoned lot sold for \$60 per square foot in 2008.³

MORTGAGE AND REHABILITATION FINANCING

One of the significant components to overall housing cost is financing. The availability of financing affects a person's ability to purchase or improve a home. Small changes in the interest rate for home purchases dramatically affect affordability. A 30 year home loan for \$400,000 at five percent interest has monthly payments of roughly \$2,150. A similar home loan at seven percent interest has payments of roughly 20 percent more, or \$2,660.⁴

Until mid-2008, home mortgage financing was readily available at attractive rates throughout San Mateo County and California. Rates ranged from 6.25 percent to seven percent between 2006 and 2008 for a 30 year fixed rate loan.⁵ However, rates have been as high as ten or 12 percent in the last decade. Starting in late 2008, it became harder to get a home purchase loan, even though the average interest rate has fallen to around five percent. In particular, people with short credit history, lower incomes or self-employment incomes, or other unusual circumstances have had trouble qualifying for a loan or are charged higher rates.

¹ "Nongovernmental Constraints: Draft—March 6, 2009." 21 Elements Housing Element Update Kit, p. 1-2

² Ibid.

³ 2008 San Mateo County GIS data and Multiple Listing Service 2009 data.

⁴ "Nongovernmental Constraints: Draft—March 6, 2009." 21 Elements Housing Element Update Kit, p. 2.

⁵ HSH Associates Financial Publishers

Under the Home Mortgage Disclosure Act (HMDA), lending institutions are required to disclose the disposition of loan applications by the income, gender, and race of the applicants.

- **Home Purchase Loans.** In Belmont, 219 households applied for conventional loans to purchase homes in 2007. As a comparison, 656 households applied for home purchase loans in 1999. In 2007, the approval rate for conventional loans to purchase homes was 83 percent. This high approval rate suggests that homebuyers in Belmont have a very good chance of securing financing.
- **Home Improvement Loans.** A total of 52 Belmont households applied for home improvement loans in 2007, whereas 100 households applied for home improvement loans in 1999. The approval rate for conventional home improvement loans was 67 percent. This approval rate suggests that homeowners in Belmont have a reasonably good chance of securing loans for home improvement activities.⁶

To expand homeownership and home improvement opportunities, Belmont operates two programs that provide loans for homeowners: the Home Buyer Assistance Program (see Program 3.1) and the Owner Occupied Rehabilitation Assistance Program (see Program 1.3), offered by the Belmont Redevelopment Agency. Chapters 4 and 5 of this Housing Element provide information on these and other programs available to Belmont residents. Program 1.3 states that the City will review and revise the terms of the Owner-Occupied Rehabilitation Program, in order to ensure that the program serves homeowner needs and the current limits on available private financing. The Agency also has a Multi-Family Rehabilitation Assistance Program to help property owners repair multi-family residential structures. Program 1.4 states that the City will review and revise the terms of this program.

Residential Construction Financing

Construction loans for new housing are also difficult to secure in the current market. In past years, lenders would provide up to 80 percent of the cost of new construction (loan to value ratio). Due to recent market conditions and government regulations, banks have started to require larger investments by the builder. Complicated projects, like mixed-use developments, are often the hardest to finance. Non-profit developers may find it especially difficult to secure funding from the private sector.⁷ Therefore, limited construction financing is a likely contributor to the recent decline in new construction. While conditions may improve over the course of the planning period, it will remain a constraint in the short term. The Belmont Redevelopment Agency may use the housing set-aside funds as part of a number of programs described in Chapter 5 to facilitate the construction of new housing and mixed-use projects.

⁶ 2008 Home Mortgage Disclosure Act data: <http://www.ffiec.gov/hmdaadwebreport/AggWelcome.aspx>

⁷ "Nongovernmental Constraints." p. 2.

SMALL SITES

The City of Belmont recognizes the challenges associated with building affordable housing on small sites. Many parcels in the downtown area and along El Camino Real are considered small. For example, the average size of a parcel zoned highway commercial C-3 on El Camino Real is 0.3 acres. The City acknowledges that parcels may need to be consolidated under one owner in order to facilitate mixed use and affordable housing development.

The areas targeted for infill and redevelopment housing are within the Los Costanos Community Development Plan area (the Redevelopment Project Area) which allows the Agency to actively participate in development with project sponsors. The Agency may offer financial subsidies; assistance with land consolidation; willingness to sell or lease any Agency-owned parcel; or help determine the feasibility of reducing the width of adjacent public right-of-ways to create larger sites.

Program 2.5 sets out a strategy by which the City will evaluate the need for parcel consolidation. The program also recommends that RDA funds are leveraged in support of reducing the costs of mixed-use housing development on small sites. Program 2.7 promotes small lot development by allowing modifications of development standards rather than requiring applicants to seek a variance or a zone change.

ENVIRONMENTAL CONSTRAINTS

The environmental setting affects the feasibility and cost of residential development. Environmental issues range from the suitability of land for development, the provision of adequate infrastructure and services, as well as the cost of energy. This section discusses these potential constraints and opportunities in Belmont.

Belmont currently encompasses about 2,955 acres. The majority of the parcels in the City's boundary are developed. Most of the undeveloped parcels are in the Western Hills area, with smaller amounts in the San Juan area and east of U.S. 101 freeway. These areas contain environmental constraints on development, such as steep slopes, landslide hazards, fire hazards, or flood hazards, and therefore, much of the undeveloped land has been set aside as open space. The following are environmental constraints and hazards that affect, in varying degrees, existing and future residential developments.

Seismic Hazards

The San Andreas Fault zone is located one mile from Belmont's western boundary; however, there are no known active faults within the City. Major problems could result from ground shaking, which is likely to be amplified in the areas underlain by relatively unconsolidated deposits, especially in the eastern part of the City. Liquefaction is also a possibility in these areas. There is potential for landslides on all slopes; only site-specific investigations can differentiate the degree of risk.

Topography/Slope

The western portion of Belmont is defined by the San Juan Hills, a section of the Santa Cruz Mountains, while the eastern portion of the city is relatively flat extending toward the San Francisco Bay. Elevations range from 0 to 838 feet above sea level. Portions of the city are steep and susceptible to landslides, slippage, erosion, and other topographic hazards. The City adopted the San Juan Hills Area Plan in 1988. The Plan found that two-thirds of the lots in the Study Area

exceeded 30 percent slope and 90 percent were geologically unstable with high landslide probability. The Plan encouraged landowners to work with the City using transfer of development rights to create a safer, compact and environmentally-sensitive development. This program is maintained in the Housing programs (see Program 4.2 in Chapter 5).

Flood Hazards and Sea Level Rise

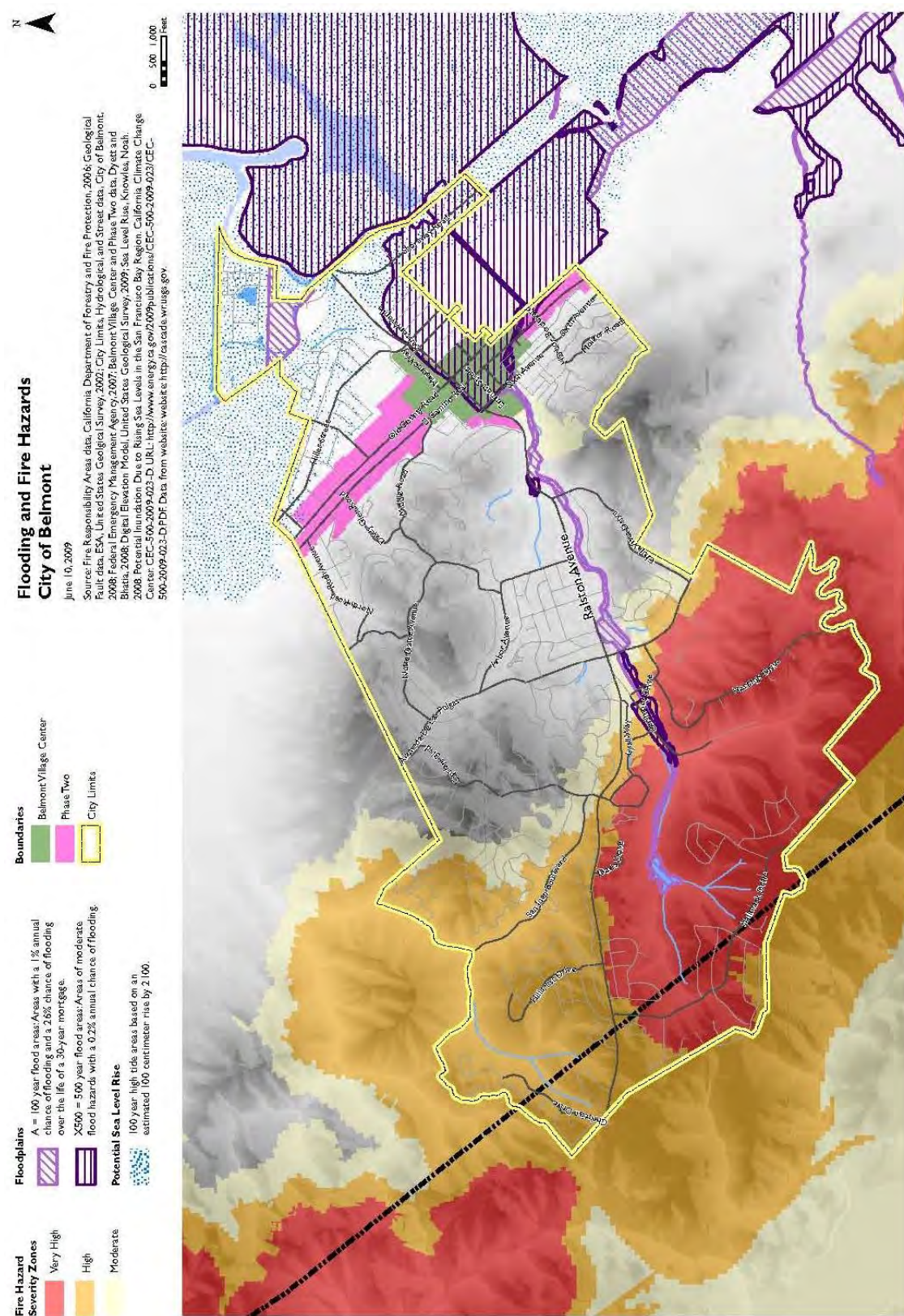
The City's flood plain management ordinance requires flood proofing or elevation of structures above flood heights along portions of Belmont Creek and east of Bayshore. The City will continue to regulate development in the designated flood hazard areas in accordance with the ordinance. Belmont has a history of localized flooding caused by inadequate storm drainage and has taken actions to address flooding problems, including upgrading and regular maintenance of the storm drain system.

The melting of polar ice, the expansion of ocean water with higher temperatures, and the resulting overall sea level rise are possible impacts of global climate change. According to the San Francisco Bay Conservation and Development Commission (BCDC), "historical records show that sea level in San Francisco Bay has risen 18-20 cm (7 inches) over the past 150 years. The Intergovernmental Panel on Climate Change (IPCC) and the 2006 California Climate Action Team (CCAT) Report project that mean sea level will rise between 10 and 90 cm (12 and 36 inches) by the year 2100." BCDC online maps depict a scenario for a one-meter (100 cm) rise in sea level possible for the year 2100 (<http://www.bcdc.ca.gov>), which exceeds projections referenced by IPCC and CCAT. As indicated on Figure 3-1, sea level rise may impact the eastern edges of the City of Belmont; however, no housing has been proposed in potentially impacted areas.

Fire Hazards

There is the potential for grass or wildland fire in the open hillside and canyon areas of Belmont. The risk is compounded by deficiencies in emergency access and, in some cases, by insufficient water flow to meet fire-fighting requirements. The Safety Element of the General Plan sets forth an approach to reduce this risk in developed areas and in the design and location of new development in the hillsides. However fire hazards will continue to be an issue affecting the development of housing sites in the upper hillside areas of Belmont.

Figure 3-1 Flooding and Fire Hazards



3.2 GOVERNMENTAL CONSTRAINTS

Local policies and regulations can impact the price and availability of housing and in particular, the provision of affordable housing. Land use controls, site improvement requirements, fees and exactions, permit processing procedures, and various other issues may constrain the maintenance, development and improvement of housing. This section discusses potential governmental constraints in Belmont.

LAND USE CONTROLS

The Land Use Element of the Belmont General Plan sets forth the City's policies for guiding local development. These policies, together with existing zoning regulations, establish the amount and distribution of land allocated for different uses within the City. Table 3-1 describes General Land Use designations that allow residential uses. The low, medium and high-density districts differ in allowable density and development standards. In addition, the General Plan permits multifamily residential uses in the Central Business District (Downtown Specific Plan) and in commercial zones.

Table 3-1 Land Use Categories Allowing Residential Uses

<i>General Plan Land Use Category</i>	<i>Zoning District(s)</i>	<i>Density (Units per Acre)</i>	<i>Residential Type(s)</i>
Low Density Residential	R-1; HRO ¹	1-7	The low-density residential district has eight zones which allow primarily single-family detached residences and clustered townhouse developments
Medium Density Residential	R-2, R-3	8-20	The medium density district is designed to accommodate non-intensive multiple-family units, such as duplexes, and low-rise apartments.
High Density Residential ²	R-4	21-30	The high-density district is comprised primarily of apartment buildings up to 40-50 feet in height.
Downtown Specific Plan areas - C/R, CBD, Ch, Cg, Cs, Rh, RI	C-2, C-3, C-4, R1, R3, R4, PD	Up to 30	The Downtown Specific Plan allows residential uses in the C/R, Ch, Rh and RI land use districts. The zoning districts that apply to these areas allow residential uses with a conditional use permit.
Commercial Zones	C-2, C-3, C-4	Up to 30	Commercial zones allow housing as a conditional use.

1. HRO stands for Hillside Residential and Open Space District.

2. The highest density residential zone in Belmont is the R-5 zone. The Zoning Map does not currently apply this R-5 zone to any areas of Belmont.

Source: Land Use Element, Belmont General Plan, 1982; Belmont Zoning Ordinance; Downtown Specific Plan

ZONING FOR A VARIETY OF HOUSING TYPES

Housing element law specifies that jurisdictions must identify adequate sites to be made available through appropriate zoning and development standards to encourage the development of various types of housing for all economic segments of the population. This includes single family housing, multifamily housing, factory-built housing, mobile homes, emergency shelters and transitional housing among other housing types.

Table 3-2 below summarizes the various housing types currently permitted within Belmont's residential and commercial zones. As shown below, residential uses are designated with the following symbols: permitted by right (P), conditionally permitted (C), or not specified (ns).

Table 3-2 Housing Types Permitted by Zone

Type	Zoning Districts Allowing Housing						
	HRO	R-1	R-2	R-3	R-4	R-5 ²	C2-C4
Single-family ¹	P	P	P	P	P	P	C
Duplex (2 units)			P	P	P	P	C
Single-family row house/townhouse	C ³			P	P	P	C
Multi-family				C	C	C	C
Secondary dwelling units ⁴	C	P	P	P	P	P	C
Mobile homes ⁵							
Nursing /convalescent homes ⁶							
Five or fewer residents	C	C	C	C	C	C	C
Six or more residents					C	C	C
Homes for the ambulatory aged and retirement homes				C	C	C	C
Lodging/ boarding/ rooming houses					C	C	C
Transitional housing		ns	ns	ns	ns	ns	ns
Emergency shelters		ns	ns	ns	ns	ns	ns
Fraternity & sorority houses					C	C	C
Apartment hotel						C	

Key: P = Permitted C = Conditionally Permitted ns = Not Specified

1. There are three HRO districts. Single-family residences are not permitted in HRO-3 zones west of Hastings Drive and accessed by Carlmont Drive. Single family detached dwellings are also allowing in the A zone.
2. The Zoning Map does not currently apply the R-5 zone to any areas of Belmont.
3. Townhouses are permitted with a CUP in the HRO-3 zone only.
4. Second units are permitted unless they exceed 640 sq. ft. or the lot is smaller than 8,000 sq. ft.
5. Mobile home parks are only allowed in M-1 zones.
6. The City's current Zoning Ordinance includes a definition for Nursing/Convalescent homes that covers licensed care facilities and other group care facilities such as hospices.

Source: Zoning Ordinance; City of Belmont Planning Department

The Zoning Ordinance allows for a variety of housing types that meet the needs of all economic segments of the community. A review of the City's Zoning Code shows that many types of housing are permitted in the community. In some cases, the Zoning Code requires amendment to comply with changing state and federal housing laws. The following analyzes the City's allowance of various housing types in Belmont.

Multi-Family Units

In Belmont, multi-family units comprise approximately 36 percent of the existing housing stock. This housing type is allowed with the approval of a conditional use permit in numerous residential zones, including R-3, R-4, R-5 zones; sites in the Downtown Specific Plan area designated Commercial/Residential; and, in commercial zones C-2, C-3, and C-4. Duplexes are permitted by right in the R-2, R-3, R-4 and R-5 zones.

The zoning revisions being completed for the Villages of Belmont area, as part of Program 2.3, recommend removing the CUP requirement for multi-family units above the ground floor in most of the sub-areas of downtown.

Licensed Residential Care Facilities

State law requires that certain community care facilities serving six or fewer persons be permitted by right in residential zones. Moreover, such facilities cannot be subject to requirements (development standards, fees, etc.) more stringent than single-family homes in the same district. The Zoning Code currently does not provide a definition for residential care facilities (it only includes a definition for nursing/convalescent homes). While the definition for nursing/convalescent homes could be construed to include residential care facilities, these are truly different uses, and are regulated as such under State law.

The zoning revisions being completed for the downtown area, as part of Program 2.3, will include new use definitions that will apply to the entire Zoning Ordinance. A definition will be provided for both small (six or fewer) and large (seven or more) residential care facilities. Program 4.1 amends the Zoning Ordinance to: (1) include a definition for residential care facilities; (2) indicate that residential care facilities with six or fewer persons are permitted by right in residential zones; and, (3) indicate in which zones residential care facilities with seven or more persons are permitted with a use permit.

Manufactured Housing and Mobile Home Parks

State housing law requires communities to allow manufactured housing by right in all residential zones. In Belmont, manufactured housing is allowed in all residential zones subject to the same design review requirements as site-built housing. The Zoning Code permits mobile home parks in the M-1 manufacturing zone with a CUP.

Emergency Shelters

An emergency shelter is any facility with overnight sleeping accommodations, the primary purpose of which is to provide temporary shelter for the homeless, in general, or for specific populations of homeless persons. The length of stay can range from one night up to as much as six months. SB 2, which was signed into law in 2007, requires cities and counties to designate a zone or zones in which emergency shelters are permitted by right, or enter into a multi-jurisdictional agreement with neighboring jurisdictions to meet the emergency shelter need.

The City of Belmont has been providing financial assistance to the San Mateo County Shelter Network to assist the group in providing emergency housing but there are no emergency shelters in Belmont and the current zoning ordinance does not list emergency shelters as a specific use. The County's 2007 Homeless Survey counted nine individuals on the street and three (two households) living in their cars. (San Mateo County 2007 Homeless Census and Survey <http://www.smchsa.org/hope>) Two years later, a one-day street count reported five unsheltered homeless individuals.

To comply with the State law, this Housing Element contains Program 3.6, which commits to the identification of a zone to allow emergency shelters by right. The City has identified two existing zones with sites that would be suitable for emergency shelters. These areas are south of O'Neill Avenue in the C3 (Highway Commercial) District east of El Camino Real and the C-4 (Service Commercial) District on the west side of Old County Road. The area that would be covered by the overlay zoning provisions includes about 29 parcels with a total area of 6.17 acres. The individual sites are small to medium-size parcels, a number of which are currently occupied by auto repair uses and contractor warehouses. Each of the sites is large enough to accommodate a shelter for five to 10 individuals, which would accommodate the need identified in the County's 2007 and 2009 homeless surveys.

The area the City proposes to designate is a short walk from Belmont's downtown and close to both the CalTrain station and the El Camino Real transit corridor allowing easy access to social services and retail to meet daily needs. Permitted uses in the C-3 district include retail sales and services and offices. Those in the C-4 district include a variety of general commercial and light industrial activities including business supply stores, storage and warehousing, printing and publishing and wholesale goods. Residential development currently requires approval of a Conditional Use Permit as does auto repair, machine shops, sheet metal shops, and similar uses that might generate noise and fumes or have other potentially harmful impacts.

Transitional and Supportive Housing

Transitional housing is defined as a project that is designed to provide housing and appropriate support services to homeless persons to facilitate movement to independent living within 24 months. Transitional housing may also be used for youth leaving the foster care system. Supportive housing is defined as long-term community-based housing and supportive services for homeless persons with disabilities. The intent of this type of supportive housing is to enable these special needs populations to live as independently as possible in a permanent setting.

State law requires that transitional and supportive housing must be considered a residential use of property, and be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. If these conditions do not currently apply, a programmatic action must be taken within one year of the adoption of this Housing Element to address the constraint. In order to comply with a recent State law change, this Housing Element contains Program 4.1, which states that zoning will be revised to ensure that transitional and supportive housing is treated as any other multi-family residential use.

RESIDENTIAL DEVELOPMENT STANDARDS

The City regulates the type, location, density, and scale of residential development primarily through the Zoning Ordinance. Zoning regulations are designed to protect and promote the health, safety, and general welfare of residents as well as implement the policies of the City's General Plan. The Zoning Ordinance also serves to preserve the character and integrity of existing neighborhoods. Table 3-3 details the City's residential development standards for the primary zones allowing housing.

Table 3-3 Residential Development Standards

	<i>Residential Districts</i>						
	<i>HRO</i> ¹	<i>R-1</i> ²	<i>R-2</i>	<i>R-3</i>	<i>R-4</i>	<i>R-5</i>	<i>C-2 - C-4</i>
<i>Building Standards</i>							
Density Range (du/ac)	0.325–4.356	1 – 7	14 or less	20 or less	30 or less	50 or less	30 or less
Minimum floor area/unit (sq.ft.)	1,200	1,200	None specified	0-bedroom = 420 1-bedroom = 600 2-bedroom = 780 3-bedroom = 960			1,450
Maximum bldg. height (ft.)	28	28	35 (2 stories)		50	50	28-40
Maximum floor area ratio	0.026–0.35	0.27–0.53 ³	0.6	0.85	1.4	3.5	1.0
<i>Lot Standards</i>							
Minimum lot area (sq.ft.)	10,000–13,400	5,000 – 9,600	6,000	6,000	6000	7,200	7,200
Minimum lot width	60	50-70	60	60	60	60	60
<i>Building Setbacks and Open Space</i>							
Front yard (ft.)	15	15	15	15	15	15	15
Side yard (ft.)	15	15	15	15	15	6	6-15
Rear yard (ft.)	7	15-20	15	15	15	15	15
Open Space Required (sq.ft.)	NA	NA	NA	300 sq.ft. for each ground floor unit, plus 150 sq.ft. for each unit above ground floor, except no requirement in the R-5			

1. There are three HRO districts: HRO-1, HRO-2, and HRO-3.

2. There are five R-1 districts. R-1A, B, C, E, and H.

3. Depending on slope

4. 6 feet plus 2 feet per each additional story above two stories.

NA: Not Applicable

Sources: City of Belmont General Plan, 1982; Zoning Ordinance, City of Belmont.

Development standards can sometimes constrain the number of units that may be constructed on a particular piece of property to a level below the maximum density. Critical standards include setbacks, height, parking and open space requirements. By limiting the number of units that could

be constructed, the per unit land costs would necessarily be higher and, all other factors being equal, result in higher development costs which could impact housing affordability. Development standards are typically a major constraint on small lots zoned for multi-family development, where setbacks and parking requirements can consume a sizable percentage of the total lot. Larger lots, for example those over an acre in size, can more easily achieve the allowed density.

Density

The City allows for a range of densities in its residential zones. The maximum density varies from less than one unit per acre in the topographically constrained Hillside Residential and Open Space (HRO) districts to 50 units per acre in the R-5 zone. (To date, although defined in the Zoning Ordinance, there are no properties designated R-5.) Most single-family homes in Belmont are located in R-1 districts, which vary in density from 1 to 7 units per acre. Multi-family housing ranges from 12 to 30 or more units per acre. Most commercial zones allow housing up to 30 units per acre with a conditional use permit. The City offers density bonus and regulatory concessions to comply with State law, and encourage and facilitate development of affordable and senior housing.

The Economic Development Strategy, Program 2.3, includes revising the base zoning districts in the downtown area. The revisions will consider requiring a minimum residential density of 15 units per acre for mixed-use and residential projects; and allowing a maximum density of 30 units per acre by right above the ground floor in most of the Villages sub-areas. In addition, residential densities up to 45 units per acre may be allowed with a development standard exception. Such exceptions may be approved when a project application demonstrates a public benefit, such as affordable housing. Program 4.3 revises the City's density bonus regulations to allow up to a 35 percent bonus to comply with State law.

Building Standards

The maximum height allowed is generally 28 feet in single-family residential zones, and 35 to 50 feet in multi-family residential zones. Minimum lot area varies widely, from 5,000 square feet in the R1C district to one acre in the R-1E zone. Most lots in Belmont are zoned R-1A, B, or C and range from 5,000 to 9,600 square feet in area. The Zoning Ordinance establishes minimum dwelling unit size requirements for multi-family units in the R-3, R-4, and R-5 zones. The Zoning Ordinance requires a minimum unit size of 420 to 960 square feet depending on the number of bedrooms. These requirements ensure livability and quality of housing, and have not constrained the development of affordable housing.

The current building standards are not considered a constraint. The programs that the City will be implementing during the planning period are intended to facilitate and encourage mixed-use and residential development in the downtown area and along the El Camino Real Corridor. The zoning revisions being completed for the downtown area, as part of Program 2.3, will consider raising the maximum building height in the Villages districts to 40 feet. In addition, building heights up to 50 feet may be allowed with a development standard exception.

Open Space Requirements

To ensure adequate open space is provided in multi-family housing, the Zoning Ordinance requires minimum open space requirements in the R-3, R-4, and R-5 zones. Residential developments are required to provide a minimum of 300 square feet of open space for each unit located on the ground floor, and an additional 150 square feet of open space for each unit located

above the ground floor. The following may be used to satisfy the open lot area requirement for each unit above the first floor: open roof decks, balconies, lanais, or other open structural areas made a part of the building and improved for outdoor living.

Inconsistent Standards and Lack of Design Standards

The Zoning Ordinance was amended to implement the Downtown Specific Plan (DTSP) by adding new requirements to existing zoning districts that only apply to specific geographic areas within the downtown area. A developer must reference both the DTSP and the zoning in order to see all of the standards. The process can be confusing and difficult to determine the applicable standards. For example, in C-3 commercial zoning districts in the Downtown, residential densities are allowed up to 30 units per acre with a conditional use permit; however, the maximum FAR allowed is only 0.5, which is much more restrictive. The regulations are unclear as to which standard governs.

The Downtown Specific Plan contains many details about the City's desired building form and design. The Zoning Ordinance contains Section 22: Design Control District, which details a design control overlay district for the downtown business district; and Section 13: Design Review; and Section 13A: Single Family and Duplex Residential Design Review, which describe the design review process and the development standards that must be met. However, neither document clearly delineates the design guidelines that will be used as review criteria in the Design Review process.

Program 2.3, the Economic Development Strategy, includes an action to replace the Downtown Specific Plan and the existing zoning for the downtown area with new base zoning districts. This action will remove inconsistencies and clarify the requirements for development in the downtown area. This program also recommends adopting design guidelines for the Villages of Belmont so that applicants and community members, as well as the City Council, Planning Commission, and City staff know the review criteria at the outset of a project.

Parking Requirements

The City's parking requirements vary depending on housing type and anticipated parking needs. Parking standards are designed to address current parking needs generated by different types of residential development as well as to correct historic policies that have contributed to a severe shortage in parking spaces today.

Table 3-4 summarizes the City's existing parking requirements. The City's parking requirements display flexibility to facilitate the development of housing for special needs groups. For instance, nursing homes and senior congregate care facilities are required to provide only one space per four beds. Dormitories and other student housing are required to provide only one space per every five beds.

Table 3-4 Parking Requirements

<i>Housing Type</i>	<i>Spaces Per Unit</i>		
	<i>Covered</i>	<i>Open</i>	<i>Total</i>
Single-Family	2	2	4
Second Units			
<i>One-bedroom units</i>	-0-	1	1

Two or more bedrooms	-0-	2	2
Multiple-Family	1	1	2
Nursing/Convalescent	One space per four beds		
Student Housing	One space per five beds		

Source: City of Belmont Planning Department

The Zoning Code requires four parking spaces for single-family units (two covered and two open) and two parking spaces per unit for multi-family housing (including studios and one-bedrooms). Adding a one-bedroom second unit requires an additional open parking space, and adding a two-bedroom second unit requires two additional open parking spaces.

While these single-family home parking standards are more stringent than those in some other San Mateo County jurisdictions, the City believes they are necessary as a matter of public safety.⁸ Belmont has many steep, narrow, and curvy streets, making on-street parking impractical and potentially dangerous. It is important to require guest parking to be provided on-site, so guests do not park along the side of the street and block access for police, fire, and medical emergency vehicles. Belmont allows the uncovered parking spaces for single-family homes to be tandem, which makes it easier to accommodate the required parking spaces in the driveway apron.

The City's parking space requirement in multi-family districts accommodates vehicle ownership patterns of Belmont residents. According to the 2000 Census, renter households owned an average of 1.4 vehicles per household. To meet this demand, the Zoning Code requires 2.0 parking spaces per unit to accommodate residents and guests. However, according to a survey compiled by 21 Elements, the parking standards for studio (0-bedroom) units are more onerous than those in surrounding jurisdictions. Program 4.6 of this Housing Element indicates that the City will consider reducing parking standards for studio units.

Overall, parking standards in Belmont are comparable to those in other jurisdictions.⁹ Accommodating parking can be a constraint on the development of small parcels in the Villages of Belmont area, due to the inefficiency of parking layouts on these small sites. The City is exploring joint downtown parking facilities as part of the Economic Development Strategy discussed in Program 4.6, which would help reduce this constraint. Also, housing built as part of a mixed-use project within 300 feet of a train station, or within the adjacent Village Center Area, may receive a 15 percent reduction in the required parking spaces. Developers may also seek a parking reduction as a regulatory incentive for density bonus projects.

Future housing and mixed-use projects in the downtown will likely have residential densities near 30 units per acre. The new Villages zoning districts, part of Program 2.3, will likely include some reduced parking requirements for residential and other uses, so that parking requirements do not exceed demand in a mixed-use district. This would reduce parking costs of development projects. In addition, as an alternative to requiring each project to provide its own off-street parking, Program 4.6 calls for studying the feasibility of creating parking districts in the Villages of Belmont. Programs 2.1 and 2.4 instruct the City to use RDA funds as leverage to reduce the costs

⁸ "Parking Standards Survey – Internal Summary." 21Elements: San Mateo Countywide Housing Element Update Kit, September 17, 2008.

⁹ "Parking Standards Survey – Internal Summary." 21Elements: San Mateo Countywide Housing Element Update Kit, September 17, 2008.

of mixed use development. This is especially important given the large number of small sites that are in this area zoned for higher densities.

Flexibility in Development Standards

The City's development standards are in place to promote public safety and preserve the feel and character of neighborhoods. Furthermore, they are similar to those in neighboring jurisdictions, and thus, do not serve as a constraint to development. However, the City offers several mechanisms for modifying residential development standards. Each mechanism is described as follows.

Variance Process

Variances may be granted for any and all site development standards to prevent or lessen practical difficulties and unnecessary physical hardships. Application for a variance is made to the Director of Community Development. A variance will be granted by the hearing body if the following findings are made:

- The strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the Zoning Ordinance.
- There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zoning district.
- The strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.
- The granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.
- The granting of the Variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

Planned Development District

The Planned Development (PD) district accommodates various types of uses, such as single-family and multi-family residential developments, neighborhood and community shopping centers, professional and administrative areas, and other uses or a combination of uses that can be made appropriately as part of a Planned Unit Development (PUD). The PD district is established to allow flexibility of design that is in accordance with the objectives and spirit of the General Plan.

During the previous planning period, the City of Belmont used the Planned Development District to facilitate the construction of various types of housing. For example, the Immaculate Heart of Mary Parish constructed the "Sunrise Assisted Living" facility, a three-story facility providing 62 independent units and 16 institutional units. The City also used the Planned Development process to entitle a mixed-use project with housing units above retail on El Camino Real in the Downtown. The project, called Belmont View, is approved at a density of over 30 units per acre and a height of 43 feet.

The PD zone is intended to enable the City to modify site development standards to facilitate development projects. In addition, the project can be presented as a complete package and potentially avoid the additional time and costs associated with multiple variances. However, because a zoning change requires multiple hearings and a legislative action, the PD process may extend the total development review time.

Under Program 2.7, the City will evaluate whether a new review process can be established that would allow modifications to the development standards for projects proposed on small lots, so that projects that meet the City's objectives would not have to meet the strict findings for a variance or need to apply for a zone change.

Density Bonus Incentives

City programs mitigate the impact of development standards upon the availability of affordable units to lower-income households. For instance, the City offers a density bonus. The City's current density bonus (25 percent) will be revised to comply with State law (35 percent) and other incentives to developers who set aside qualified housing units for lower income, senior or disabled persons (See Program 4.3). The developer is also entitled to additional incentives that may include the modification of development standards, the amount or location of public improvements, and open space. In addition, the City considers the waiver or reduction of fees as well as a direct monetary contribution from the City's low/moderate income housing fund.

FEES AND EXACTIONS

Belmont collects planning and development fees to cover the costs of processing permits and providing the necessary services and infrastructure related to new development. Permit processing fees are intended to reimburse the City for actual administrative costs. Fees are imposed by the Planning, Building and Public Works Departments. Table 3-5 summarizes common fees charged to developers of residential projects in Belmont.

Table 3-5 Model Development Fees - Belmont (2009)

	<i>Single Family Dwelling</i>	<i>Multifamily Apartment (Complex Project)</i>	<i>Condominiums (Complex Project)</i>
<i>Project Assumptions</i>			
Assumed Project Size (units)	1	10	10
Living Area per Unit (sq. ft.)	2,800	1,500	1,500
Building Size (sq. ft.)	2,800	15,000	15,000
Construction Costs per Unit	\$360,000	\$180,000	\$180,000
Project Valuation	\$360,000	\$1,800,000	\$1,800,000
<i>Development Review Fees</i>			
Departmental Review			
<i>Design Review - Planning & Engineering</i>	4,943	22,371	22,371
<i>Conditional Use Permit - Planning & Engineering</i>	--	4,765	4,765
<i>Geologic Review - Planning & Engineering</i>	4,075	4,075	4,075
Environmental Review - CEQA			
<i>Base Fee (Categorical Exemption)</i>	483	--	--
<i>Recordation Fee</i>	50	50	50
<i>Initial Study (Staff)</i>		3,090	3,090
<i>Negative Declaration (Staff)</i>		1,174	1,174
<i>Initial Study & Neg Dec/MND (Consultant)</i>		20,000-40,000	20,000-40,000
<i>EIR (Consultant)</i>		varies	varies
Other Development Review Fees			
<i>Variance and FAR Exception - Planning & Engineering</i>	6,279	6,279	6,279
<i>General Plan Amendment, Zone Change, Zoning Ordinance Amendment</i>	4,515	4,515	4,515
<i>Tentative Parcel Map - Planning & Engineering</i>	7,693	10,843	10,843
Total Development Review Fees	\$9,551	\$35,525	\$50,883

Table 3-5 Model Development Fees - Belmont (2009)

	<i>Single Family Dwelling</i>	<i>Multifamily Apartment (Complex Project)</i>	<i>Condominiums (Complex Project)</i>
<i>Building Permits & Fees</i>			
Plan Checks			
<i>Plan Check</i>	5,544	38,550	38,550
<i>Engineering Building Permit Plan Check</i>	1,879	1,879	1,879
<i>Planning Plan Check</i>	857	2,985	2,985
<i>Accessibility Plan Check</i>	--	2,132	2,132
<i>Belmont-San Carlos Fire Department Review Fee</i>	260	260	260
Permits and Fees			
<i>Building Permit</i>	4,620	32,250	32,250
<i>Electrical Permit</i>	103	103	103
<i>Electrical Permit Fee</i>	153	1,231	1,231
<i>Mechanical Permit</i>	103	103	103
<i>Mechanical Permit Fee</i>	139	1,150	1,150
<i>Plumbing Permit</i>	103	103	103
<i>Plumbing Permit Fee</i>	291	2,559	2,559
Other Fees			
<i>General Plan Maintenance Fee</i>	900	4,500	4,500
<i>Microfilm Charge</i>	122	426	426
<i>NPDES Fee</i>	593	593	593
<i>SBSA (Sewer) Connection Fee</i>	1,189	1,189	1,189
<i>SMIP Residential (Seismic Tax)</i>	36	180	180
<i>State Energy (Title 24)</i>	979	3,412	3,412
<i>California BSC Revolving Fund</i>	15	72	72
<i>Business License Tax</i>	566	2,957	2,957
<i>Temporary Encroachment Fee</i>	567	567	567
<i>Surety Deposit</i>	500	500	500
Total Building Permits & Fees	\$19,520	\$97,701	\$97,701
Total Planning & Building Fees	\$29,071	\$133,226	\$148,584
Planning & Building Fees per Unit	\$29,071	\$13,323	\$14,858
Planning & Building Fees as Proportion of Development Cost	8%	7%	8%

Table 3-5 Model Development Fees - Belmont (2009)

	<i>Single Family Dwelling</i>	<i>Multifamily Apartment (Complex Project)</i>	<i>Condominiums (Complex Project)</i>
Impact Fees			
Park Dedication/In-Lieu Fee	--	--	282,000
Schools	7,364	39,450	39,450
Total Impact Fees	\$7,364	\$39,450	\$321,450
Impact Fees per Unit	\$7,364	\$3,945	\$32,145
Impact Fees as Proportion of Development Cost	2%	2%	18%
Total Fees	\$36,435	\$172,676	\$470,034
Total Fees per Unit	\$36,435	\$17,268	\$47,003
Total Fees as Proportion of Total Development Cost	10%	10%	26%

Source: City of Belmont, 2009

Table 3-5 indicates that total fees for a 3-bedroom, 2,400 square foot unit would be approximately \$36,000, approximately 10 percent of the estimated development costs. The Planning and Building fees account for 80 percent of the total fees for a new single family house. The total fees for a 10-unit apartment complex would be approximately \$173,000 or \$17,000 per unit. These fees also represent about 10 percent of the estimated development costs of the project. The Planning and Building fees account for 77 percent of the total fees for a new 10-unit apartment building. The total fees for a 10-unit condominium development would be approximately \$470,000 or \$47,000 per unit. Fees for the condominium project represent approximately 26 percent of the estimated development costs. The Planning and Building fees account for 32 percent of the total fees for a new 10-unit condominium building, while the Impact fee account for 68 percent of the total fees.

The City offers two programs to mitigate the impact of development fees on affordable housing. In 1990, the City passed a resolution that allows the Planning Director to waive fees for non-profit developers who provide affordable housing units. Moreover, the Density Bonus program also allows for the waiver or modification of fees as an additional financial incentive for projects that are entitled to a density bonus under the State density bonus law. Therefore, fees are not considered to be a constraint to affordable housing development.

BUILDING CODES AND ENFORCEMENT

A variety of federal, State, and local building and safety codes are adopted for the purposes of preserving public health and safety, as well as ensuring the construction of safe and decent housing. At times code requirements increase the cost of such housing. However, these codes are not considered a specific constraint on development in Belmont, since: all projects must comply; most other jurisdictions in the region have adopted similar codes; and, the purpose of the codes is to protect public health and safety. The codes the City has adopted, and other codes with which all projects must comply, include: building codes, accessibility standards, specific codes to reduce hazards, and other related ordinances.

Uniform Building Code

Belmont has adopted the recent edition of the Uniform Building Code (UBC), which establishes standards of construction and inspections to ensure code compliance. The UBC also prescribes minimum insulation requirements to improve noise protection and energy efficiency. Although these standards increase housing costs and may impact the viability of older properties that need to be brought up to current code standards, the intent of the code is to provide structurally sound, safe, and efficient housing. Moreover the Code is adopted and used throughout California.

Code Enforcement Program

The City administers a Code Enforcement Program that aims to preserve and maintain the livability and quality of neighborhoods. Code enforcement staff investigates violations of property maintenance standards as defined in the Municipal Code as well as other complaints. Code Enforcement staff inform property owners of substandard building conditions as well as refer them to available financial resources and programs offered by the City, including the Redevelopment Agency's Owner Occupied Rehabilitation Assistance Program.

Americans with Disabilities Act

The City's building code requires new residential construction to comply with the federal ADA building requirements. ADA requires certain design standards for buildings with four or more units and an elevator as well as ground floor units in other buildings consisting of four or more units. These include: (1) adaptive design features for the interior of the unit; (2) accessible public use and common use portions; and, (3) sufficiently wider doors to allow wheelchair access. Plans are checked over the counter for compliance and inspections are performed.

National Pollutant Discharge Elimination System Permit

As of January 1998, all new development, except for developments of four or fewer lots that are zoned to permit only single-family use, must comply with the conditions and requirements of the National Pollutant Discharge Elimination System (NPDES) permit. Prior to issuance of any discretionary land use approval or permit, an applicant must submit a storm water pollution prevention and control plan, and implement Best Management Practices in accordance with State and local regulations. The NPDES permit requirement has had an impact on development statewide, although mainly on commercial and industrial projects, and when new roads are required for residential development. In Belmont, the impact has not been significant since much of the residential development has been remodels and additions to single-family homes. Even larger multi-family projects that have been built since 1998 have not been very affected since these have been in infill areas. In May 2009, the State will consider implementing a new NPDES permit that would change the 10,000 square feet new surface/pavement area "trigger" to just 5,000 square feet. While this might further constrain development elsewhere in the state, typical residential projects in Belmont will not be affected. Furthermore, it is a standard being applied throughout the State, and is critical to achieving water quality standards.

DEVELOPMENT REVIEW PROCESS

Belmont's process for reviewing housing proposals depends on the type and complexity of the project, and whether a major variance to development standards, existing land use, or operating conditions is requested. This section reviews the development review process for housing projects that do not require a legislative action.

Proposals for new housing are processed in three phases: 1) neighborhood outreach; 2) design review; and, 3) conditional use permit review. Single-family and duplex projects proceed through the first two phases unless a Conditional Use Permit (CUP) is required. Multi-family housing projects require all three types of review; however, design review and review of the CUP application are conducted concurrently. These phases are briefly described below:

Review Process Steps

Step #1: Outreach

All new housing projects which are reviewed by the Planning Commission or City Council must implement a Neighborhood Outreach Strategy. The goal of this process is to facilitate a positive and constructive dialogue among neighbors. To further that end, the Strategy must include a proposal for contacting neighbors, informing neighbors of the project through mail or a meeting, and receiving feedback in advance of the City's review.

Step #2: Design Review

Due to the City's densely developed setting, the design review process is intended to ensure that new housing projects are compatible in scale and character with surrounding land uses. To begin the process, the developer submits a site plan, landscaping plan, and architectural drawings to the Zoning Administrator. After review and determination that the application is complete, the Director of Community Development reviews the project and refers the application to the Planning Commission for review and decision.

Step #3: Conditional Use Permit

For multi-family projects, the applicant must submit the project plans in an acceptable format to the Director of Community Development. The application must specify how the proposed project conforms with requirements specified in the Zoning Code. The Planning Commission approves projects in residential zones when the appropriate conditions have been met. In limited cases, the project can be approved administratively by the Director.

Development Review Process Time Frames

Table 3-6 describes the amount of time needed for various types of projects to be reviewed.

Table 3-6 Development Review Process

Development Type	Approval Type	Approving Authority	Time Frame for Review (Days) ¹		
			Determination of Completeness of Application	Determination of Environmental Review ²	Maximum Time to Approve/ Disapprove Project ³
Single-Family					
Negative Declaration Required	Design Review Only	Planning Commission	30	7	120-180
CEQA Exempt					45-120

Table 3-6 Development Review Process

Development Type	Approval Type	Approving Authority	Time Frame for Review (Days) ¹		
			Determination of Completeness of Application	Determination of Environmental Review ²	Maximum Time to Approve/ Disapprove Project ³
Multi-Family					
EIR Required	Design Review, Conditional Use Permit	Planning Commission	30	30	270-360
EIR Required (at least 49% affordable)					270-360
Negative Declaration Required					120-240
CEQA Exempt					90-180
Second Units					
CEQA Exempt (Lot is 8,000 sf or more)	Design Review Only	Planning Commission	30	7	45-60
CEQA Exempt (Lot is less than 8,000 sf)	Design Review, Conditional Use Permit		30	7	45-120

1. Times listed for approval/disapproval do not take the time needed for any type of zoning amendment, such as the use of the PD district, into account.
2. Time required to determine whether an environmental impact report, negative declaration, or mitigated negative declaration shall be required.
3. Maximum time required to act (approve or disapprove a permit application) from the date environmental review is complete or the determination of categorical exemption is made.

Source: Belmont Planning Department

As described in Table 3-6, the development review process can take a total of 2 to 6 months for a new single-family home, and 6 to 18 months for multi-family projects. These review times are considerably shorter, by at least a month, when a complete application is submitted at the time of application.

In the case of single-family development, it takes the Community Development Department 30 days to determine if an application is complete, and then commonly another 30 days (two months in total) to get the application to the Planning Commission. If the application is incomplete, the process often takes as much as four months. If a multi-family developer is requesting development under the Planned Development (PD) zone change to allow for more flexible development standards, the rezoning process can take up to 18 months. Rezoning to a PD zone requires three public hearings. In addition to the zone change, there may be a variety of other issues to consider such as CEQA review, slope, grading, drainage and/or geotechnical issues, or the existence of protected trees. The zone change combined with several of these additional issues could extend the development review process to 9 to 18 months. However, if no zone change is required, the process takes between 6 to 8 months.

Program 4.4 sets out the state-mandated development review periods for the City to meet. This program eliminates any time used to determine the level of environmental review for secondary dwelling units, as these are generally CEQA-exempt; caps the number of days needed to act on a CEQA-exempt single-family unit permit application to 60 days; and, caps the number of days needed to act on a multi-family permit application that requires an EIR to 180 days (90 days if

the project requires an EIR and at least 49 percent of the units are affordable), and to 60 days if the project requires a Negative Declaration or is CEQA-exempt.

During the Stakeholder interview process, developers expressed that there was a lack of clarity in the City's development review process. Therefore, Program 2.4 charges the City with revising materials to be distributed at the permit counter and on the City's website that explain in detail the various steps in the process including the content and submittal timing of requested materials and how long each step will take.

Design Review Process

As previously mentioned, all housing types are subject to the City's design review process. In the case of multi-family development, design review and CUPs are processed concurrently by the Planning Commission. While the current Zoning Ordinance spells out the items that applicants must submit for design review (scale drawings of the site, a site plan, architectural drawings, a landscape plan), the principles that the City wants applicants to follow are not very clear or specific. This can be a minor constraint because it can lead to confusion about what will satisfy the City's design standards. However, City staff works closely with the applicant at multiple meetings during the pre-application period to limit the potential constraint.

The City is in the process of adopting new design guidelines for single-family and duplex residential uses, as per Program 4.4. The new guidelines will be in effect by the end of 2010. Program 4.4 also defines the next step as the adoption of design guidelines for multi-unit residential and mixed-use projects to be completed by December 2012. The Villages of Belmont Zoning project will contain detailed design criteria for the planning area and per Program 2.3 the City will adopt specific design guidelines for the Villages of Belmont. Design guidelines will ensure that applicants and community members, as well as the City Council, Planning Commission, and City staff know the review criteria at the outset of a project. This will help streamline and add greater clarity to the project review process.

Conditional Use Permit Process

As indicated in Table 3-6, all multi-family residential uses require a CUP, which is processed concurrently with design review and requires action by the Planning Commission. The Commission may grant the CUP when the proposed use is in accordance with the provisions of the General Plan and the Zoning Code and the following conditions have been met:

- The location is compatible to land uses in the general neighborhood and does not unduly burden existing transportation, utilities, and service facilities;
- The site can accommodate the proposed use and various development standards required by the Zoning Code;
- The site will be served by streets of capacity sufficient to carry the traffic generated by the proposed use; and,
- The proposed use will not adversely affect other property in the vicinity or the general welfare of the city.

Belmont has several mechanisms in place to minimize the impact that CUPs have on the development review process. The Zoning Code provides that applications for discretionary reviews be processed concurrently. Thus, developers can secure approval of design review and conditional approval at the same time. In addition, the Zoning Code allows the Director of

Community Development to administratively approve projects in a limited number of cases. These cases are the following:

- The Director may approve exceptions to floor area standards for single-family homes on lots that are 5,000 square feet or more, for projects that involve garage additions of 450 square feet or less, and interior additions of 350 square feet or less (Zoning Code Section 4.2.10.D (1-4))
- The Director may review/approve administrative CUPs for minor building additions to residential structures (Zoning Code Section 12.12)
- The Director may approve pre-approved (by the Planning Commission) colors for signs, awnings, and repainting of buildings. The Director may also approve the replacement, relocation, and/or addition of windows, doors, awnings, and minor modifications not adding floor area (Zoning Code Section 13.5)

The fact that a CUP is required for all new buildings or additions in the commercial zones, and for multi-family development in high density residential zones potentially acts as a constraint, because developers will know that a project may be denied based on specific characteristics of the property. Under Program 4.7, the City commits to considering the removal of the requirement for a CUP for new multi-family development in residential zones. Also, as mentioned previously, the zoning revisions being completed for the Villages of Belmont area, as part of Program 2.3, recommend removing the CUP requirement for multi-family units above the ground floor in most of the sub-areas of downtown. Program 2.8 states that the City will consider revising the zoning to clarify the development standards along El Camino Real to facilitate mixed-use and residential development.

3.3 CONSTRAINTS TO HOUSING FOR PERSONS WITH DISABILITIES

The City of Belmont has long supported the development of housing opportunities for persons with disabilities. The City currently has a variety of special needs housing, which has often been funded directly through City redevelopment funds. Moreover, the City continues to actively support the development of housing for the disabled through the Planned Development Zone and flexible development standards.

As of January 2002, Section 65008 of the Government Code was amended. As a result, housing element law now requires localities to include the following in the preparation and adoption of the housing element: 1) an analysis of potential and actual constraints upon housing for persons with disabilities; 2) demonstration of efforts to remove governmental constraints; and, 3) inclusion of various programs or a means of reasonable accommodations for housing designed for persons with disabilities.

As part of the Housing Element process, the City analyzed its Zoning Code, permitting process (CUP process and variance), development standards, and building codes to identify potential constraints for the development of housing for persons with disabilities. Where impediments were found, the Programs Section of the Housing Element proposes specific actions and implementation schedules to remove such impediments. The following section summarizes findings from the constraint analysis and proposed programs.

ZONING AND LAND USE

As discussed in Section B, subsection 2 of this chapter, the Belmont Zoning Code facilitates a range of housing types and prices suitable to economic segments of the community. This includes single-family and multi-family housing.

However, analysis also found that certain portions of the Zoning Code need to be clarified or amended to comply with State and federal law. Chapter 5 sets forth the following program objectives for the 2007-2014 planning period:

- Amend the Zoning Ordinance to include a definition for residential care facilities, indicate that facilities with six or fewer persons are allowed by right in residential zones and indicate zones where facilities of seven or more persons are permitted with a use permit;
- Permit emergency shelters by right in a zone or zones (see Program 3.6)
- Treat transitional and supportive housing the same as any other residential use (see Program 4.1); and,
- Review and revise existing residential land uses so that the definitions are consistent with those used in State law (Program 4.1 removes the definition of “family” from the Zoning Ordinance).

PERMITS AND PROCESSING

Most special needs housing is currently processed as a zone change. The PD Zone allows flexibility from literal application of the strict requirements of the underlying zone. The Planned Development District is a zone tailored to individual projects that allows for flexible development standards. The City has widely used the PD zone to facilitate the construction of special needs housing, including three projects during the previous planning period, providing over 150 units (Sunrise Assisted Living Facility, Belmont Vista, and Ralston Village).

The purpose of the CUP is to place appropriate conditions on projects, when necessary, to ensure that the use is compatible with adjacent land uses. The Commission may grant the CUP when the proposed use is in accordance with the provisions of the General Plan and the Zoning Code and standard conditions are met.

REASONABLE ACCOMMODATIONS REQUESTS

At this time, there is no specific procedure for reviewing and granting reasonable accommodations requests. Requests for the installations of ramps or interior modifications are typically processed over the counter and do not require any special review. Prior to issuance of a building permit, the applicant must submit plans, which are reviewed by City staff. Applicants may remodel, add up to 400 square feet, or add exterior ramps with only ministerial approval and without a public hearing. Therefore, permitting and processing procedures do not typically place any constraints upon the development or rehabilitation of housing for disabled persons. However, since larger remodels may be required to accommodate persons with disabilities, Program 5.2 charges the City with adopting a reasonable accommodations ordinance that clearly delineates the review and permitting procedures to ensure such requests can be efficiently processed.

BUILDING CODES AND DEVELOPMENT REGULATIONS

As described previously, the City requires the incorporation of ADA standards in new buildings with four or more units and an elevator as well as accessible ground floor units in other buildings

consisting of four or more units. These requirements include: (1) adaptive design features for the interior of the unit; (2) accessible public use and common use portions; and, (3) sufficiently wider doors to allow wheelchair access. Plans are checked over the counter for compliance and inspections are performed.

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